

**DECLARATION AND POWER OF ATTORNEY
FOR REISSUE PATENT APPLICATION**

As below-named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names,

We believe we are original, first and the only joint inventors of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled:

FLOOR JOIST RETAINER AND METHOD FOR USING THE SAME

the specification of which
(check one)

 is attached hereto.

 X was filed on September 15, 2000 as Application Serial No. 09/662,718.
and was amended on March 11, 2002; October 11, 2002; August 9, 2004;
September 9, 2004; and October 19, 2005

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

We believe original U.S. Patent No. 5,806,274 to be wholly or partially inoperative or invalid because it claims more or less than the patentee had the right to claim in the patent. We believe that independent claim 1 from original U.S. Patent No. 5,806,274 does not contain a limitation necessary to distinguish the prior art. Specifically, as noted on the attached Appendix A, claims 1, 3 and 5-8 have been amended and new claims 9-11 and 21-22 have been added. Amended and new independent claims 1, 7-8 (amended) and 21-22 (new) include the addition of a new element, an "intermediate structural plate". For example, amended claim 1 now includes the following new element: an intermediate structural plate interconnecting the sides and back of the floor joist retainer body, the intermediate structural plate being attached to the sides and back when the concrete is poured into the forms and removable after the concrete is poured. Amended independent claim 5 now recites an "open front" not an "open front side", and it should recite "a back", not "a back side".

All errors being corrected in the reissue application up to the time of filing this declaration arose without any deceptive intention.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the reissue application or any reissue patent issued thereon.

POWER OF ATTORNEY: As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (listed name and registration number)

J. Pierre Kolisch, Reg. No. 15,802; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; Edward B. Anderson, Reg. No. 30,154; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Kamstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; Anton E. Skaugset, Reg. No. 38,617; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Stanley M. Hollenberg, Reg. No. 47,658; Peter D. Sabido, Reg. No. 50,353; Christopher L. Andon, Reg. No. 51,406; Ian D. Gates, Reg. No. 51,722; Phaedra E. Paul, Reg. No. 56,366; Brantley C. Shumaker, Reg. No. 56,588; Jeffrey S. Zola, Reg. No. 56,715; Steven W. Hudnut, Reg. No. 57,786; John M. Anderton, Reg. No. 58,168; Timothy M. Whalen, Reg. No. 58,467; Joseph A. Mohr, Reg. No. 58,679; and Michael R. Langer; Reg. No. 60,132.

SEND CORRESPONDENCE TO:

Kolisch Hartwell, P.C.
200 Pacific Building
520 S.W. Yamhill Street
Portland, Oregon 97204

DIRECT TELEPHONE CALLS TO:

DAVID P. COOPER
e-mail: cooper@khpattent.com
(503) 224-6655

Full name of

first inventor: Timothy A. Wurtz

INVENTOR'S SIGNATURE:

DATE:

9-28-07

Residence: 4 CHARTERS DONNELLY, ID 83615

Citizenship: United States of America

Post Office Address: P.O. Box 939, Donnelly, Idaho 83615

Full name of

second inventor: Ronald D. Wurtz

INVENTOR'S SIGNATURE:

DATE:

9-28-07

Residence: 192 E 1st Lane Donnelly, ID 83615

Citizenship: United States of America

Post Office Address: P.O. Box 330, Donnelly, Idaho 83615